



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

GP # 2181
#12
off
2-14-02

COPY OF PAPERS
ORIGINALLY FILED

In re patent application of:) Art Unit: 2181
David A. Goldman) Examiners: Tim T. Vo
) Robert Beausoleil
Serial No.: 09/134,981) Date: November 7, 2001
Filed: August 17, 1998) Atty. Docket No.: H-409
For: AUTOMATICALLY GENERATING)
EMBROIDERY DESIGNS FROM A)
SCANNED IMAGE)

RECEIVED

FEB 05 2002

RESPONSE TO EXAMINER'S ANSWER

Technology Center 2100

Honorable Commissioner of Patents and Trademarks
Washington, DC 20231

S I R:

This is in response to the Examiner's Answer of October 2, 2001 (Paper No. 11) for the above-identified patent application. The issues are responded to in the order they were presented in the Examiner's Answer.

First, the Office maintains its position that black and white is the same as color despite Appellant's many arguments and physics to the contrary. Appellant continues to disagree with this evaluation.

Second, on page 6 of the Examiner's Answer, Appellant's amended independent claim 1 has finally been acknowledged by the Office. This is the first time that the Office has actually addressed this amendment. The Office states: "This process has nothing to do with processing color." Appellant fully agrees with this statement. Thus, even if Appellant's arguments based on color processing are rejected, the claim is still not anticipated by the primary cited reference to Futamura. This was and has always been an entirely separate argument. The Office states:

"For example, Futamura, shown in figure 4-5 a process of making up the 'smoke ring' the border lines L0 are to be sewed which it will follow the guide line of L0 ring, this step meets the argument that is interrelating skeletal and edge contours within the L0 ring." [sic]

As best understood by Appellant, this statement appears to indicate that Futamura interrelates skeletal and edge contours. Referring to Figures 4 and 5, however, note that no skeletal representation is depicted at any location. Thus, it is simply impossible for these figures to depict any interrelation between skeletal data and any other type of data, since a depiction of skeletal data is quite conspicuously absent from the figures. More accurately, Figure 4 merely depicts an original black and white input

pattern, while Figure 5 solely depicts the edge contours (or borderlines as Futamura refers to them) for the input pattern shown in Figure 4. Again, there is in fact no interrelation and no skeletal data depicted, making these figures entirely insufficient to show that Futamura anticipates Appellant's recited method. Alternatively, the Honorable Board is invited to refer to figure 10 (Exhibit F) in Appellant's original application to see a clear illustration of how skeletal data is specifically interrelated with edge contour data. Page 54, lines 15-20 provide one of many examples of how this interrelating or mapping of edge points to skeletal points (nodes) is utilized in Applicant's methods.

On page 7, of the Examiner's Answer, the Office states that "Column 8 lines 42-57 [Futamura] teach stitch processing and region labeling." The cited paragraph, in fact, begins:

"For example, although borderline extraction processes were adopted in steps 2 and 12 to pick up continuous line components from an original pattern, well-known region labeling processes can be applied instead."

Futamura implies that region labeling processes may be used to pick up continuous line components within a pattern. Regardless of the method(s) Futamura may be referring to here, any method used to pick up continuous line components is in

fact completely separate and irrelevant to detecting regular and singular regions. A region is simply not a "line component." Nowhere within Futamura's entire specification are singular regions described or even mentioned. In fact, other terms recited in Appellant's claims for which no counterpart can be found in Futamura, are:

- 1) color;
- 2) labeling;
- 3) interrelating skeletal and edge contour data;
- 4) segmentation of image into colors;
- 5) interpreting... set of regular and singular regions;
- 6) path generation means for computing optimum sew order;
- 7) Gallus-neurath triangular filter;
- 8) smoothing... a sequence of stroke normals.

Lastly, the Office states: "Further, figure 7 disclosed plurality of labeling points and lines are being connected along the labeling points in order to produce a smoke pipe

image." More accurately, Figure 7 merely depicts connected line segments. The end points of these line segments have no information specified for them. They in fact are not labeled or differentiated in any way.

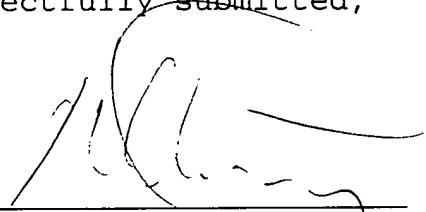
Thus, Futamura fails to anticipate, suggest, or render obvious Appellant's claimed invention.

Respectfully submitted,

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231
on _____

Mark Levy, Reg. 29188
Attorney

11/7/01
(Date of Deposit)
Date


Mark Levy
Registration No. 29,188
Attorney for Appellant
SALZMAN & LEVY
Press Building - Suite 902
19 Chenango Street
Binghamton, New York 13901

Phone: (607) 722-6600